

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Confirmation No.: 3752
)	
Kazuo YAMASHITA et al.)	Art Unit: 1793
)	
Serial No: 10/556,934)	Examiner: Micali, Joseph
)	
National Phase Filed: November 16, 2005)	

For: PRECIPITATED CALCIUM CARBONATE, METHOD FOR PRODUCING
 THE SAME AND FILLER FOR LOADING PAPER USING THE SAME

PETITION UNDER 37 CFR 1.144 FOR WITHDRAWAL OF RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: DIRECTOR, Patent Technology Center 1700

Sir:

Review of the restriction between groups I and III is respectfully requested. The office action of September 15, 2009 set forth a requirement for election between three groups of claims I, II and III. In their response filed October 15, 2009, applicants admitted lack of a patentable distinction between the claims of group I and those of group III (the claims of group III are obvious variants of those of group I) and, on the basis of that admission, requested rejoinder of the claims of groups I and III.

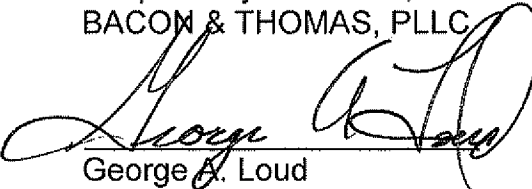
In the subsequent office action dated February 2, 2010, the Examiner made the restriction requirement final, stating that applicants' election of October 15, 2009 was without traverse. However, applicants' admission was a traverse of the restriction between groups I and III. MPEP §803 states that, given an admission, "restriction should not be made, citing *In re Lee*, 199 USPQ 108 (Comm'r Pat 1978).

Accordingly, it is respectfully requested that the Examiner be directed to rejoin the claims of groups I and III.

February 12, 2010
Date

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Respectfully submitted,
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